


Content

Title :	The Commodity Inspection Act 
Date :	2007.07.11
Legislative :	<p>1.19 Articles adopted and promulgated in full by the National Government on 14 December 1932.</p> <p>2.38 Articles amended and promulgated in full by Presidential Order on 25 May 1965.</p> <p>3.Articles 1, 3, 16, 30, 31, and 33 amended and promulgated by Presidential Order on 3 September 1970.</p> <p>4.Articles 2 and 8 amended and promulgated by Presidential Order on 2 November 1976.</p> <p>5.Articles 1, 4, 7, 8, 10, 11, 27, 28, and 38 amended and promulgated by Presidential Order on 7 May 1997.</p> <p>6.66 Articles amended and promulgated in full by Presidential Order on 24 October 2001.</p> <p>7.Articles 60-1, 60-2, 63-1, 63-2, and 64-1 newly added, Article 64 deleted and Articles 3 to 6, 8 to 10, 12, 13, 17, 28, 31 to 33, 35, 40 to 43, 45, 47 to 49, 52, 59, 60 and 63 amended and promulgated by Presidential Order on 11 July 2007.</p>
Content :	<p>Chapter I General Provisions</p> <p>Article 1</p> <p>This Act is enacted to ensure that commodities comply with the requirements set out in safety, health, environmental protection, and other technical regulations or standards; to protect consumers' rights and interests; and to promote the sound development of economic activities.</p> <p>Article 2</p> <p>The competent authority as referred to in this Act shall be the Ministry of Economic Affairs.</p> <p>The Ministry of Economic Affairs shall set up the Bureau of Standards, Metrology and Inspection (hereinafter referred to as the BSMI), which shall be responsible for the commodity inspection operations.</p> <p>Article 3</p> <p>The following commodities shall be inspected in accordance with this Act, provided that the categories, items, and/or shipping destinations of such commodities have been designated and made known to the public by the BSMI per public notice:</p> <ol style="list-style-type: none">1. Agricultural, industrial, and mining commodities domestically produced, manufactured, or processed(hereinafter referred to as manufactured);2. Agricultural, industrial, and mining commodities to be exported; or3. Agricultural, industrial, and mining commodities to be imported. <p>Article 4</p> <p>The technical activities of inspection shall be conducted by the BSMI. The BSMI may delegate this work to be conducted by relevant government agencies (bodies), juridical persons, or organizations on behalf of the BSMI.</p> <p>The BSMI may commission any relevant government agencies (bodies), juridical persons, or organizations to perform operations in connection with the issuance (or reissuance) of inspection</p>

certificates and to conduct relevant inspection activities.

The expenses pertaining to the entrusted or commissioned inspections mentioned in the preceding two paragraphs may be deducted from the commodity inspection fees accordingly.

Regulations governing the qualifications, review, supervision, performance evaluation, and other requirements of relevant government agencies (bodies), juridical persons, or organizations commissioned by the BSMI under Paragraph Two of this Article shall be prescribed by the competent authority.

Article 5

Commodity inspections shall be conducted with one of the following methods: batch-by-batch inspection, monitoring inspection, registration of product certification, or declaration of conformity. Inspection methods applicable to different commodities shall be designated and made known to the public by the BSMI per public notice.

Article 6

No commodities subject to inspection shall be released from the production premises, nor be exported or imported, if they do not conform to inspection requirements. However, commodities identified by the BSMI as having a low risk of hazard may be exempted from this restriction.

Commodities as mentioned in the proviso of the preceding Paragraph must still comply with inspection requirements before they are placed on the market.

The criteria for identification of risks of hazard as mentioned in the proviso of Paragraph One of this Article, the assessment procedures, analyses and applications, as well as guidelines for other relevant matters shall be prescribed by the competent authority.

Sellers shall not display or sell commodities subject to inspection that do not comply with inspection requirements.

Article 7

For commodities subject to import inspections, the BSMI may, as it is deemed necessary, issue a Notice for Prior Release of Imported Commodity for customs clearance purposes, and may, in accordance with relevant provisions, dispatch its inspector(s) to storage locations and to seal up such cargo pending inspection. No such cargo may be released from its storage place until it has passed the inspection.

The person responsible for the sealed imported goods shall not, without legitimate reasons, evade, hinder or refuse the sealing operation set forth in the preceding Paragraph.

The competent authority shall prescribe regulations governing the conditions for prior release of imported goods, the issue of Notice for Prior Release of Imported Commodity, the requirements for performing the sealing procedures, and associated management matters.

Article 8

The following parties shall be obligated to file applications for commodity inspection (hereinafter referred to as the obligatory inspection applicant):

1. For domestically manufactured commodities, the obligatory inspection applicant shall be the manufacturer or exporter. For commodities that are commissioned to be manufactured and sold or exported under the name of a party who has a domicile or business place in the Republic of China (Taiwan), the commissioning party shall be the obligatory inspection applicant.

2. For commodities produced overseas, the obligatory inspection applicant shall be the importer.

For

commodities that are commissioned to be imported and sold domestically under the name of a party

who has a domicile or business place in the Republic of China (Taiwan), the party commissioning the import shall be the obligatory inspection applicant.

3. For commodities where the manufacturer, exporter, importer, or commissioning party is unknown or cannot be located, the obligatory inspection applicant shall be the seller.

The manufacturer as mentioned in this Article may refer to either of the following parties:

1. The assembler: for commodities assembled for sale from individual parts and components; or
2. The modifier: for commodities conforming to the inspection requirements and modified for the purpose of sale before being placed on the market.

Article 9

Under any of the following circumstances, the commodity subject to inspection may be exempted from inspection:

1. Where the imported commodity is attached with an inspection certificate issued by the government of the country of origin, which provides reciprocal inspection exemptions to the commodities of the Republic of China (Taiwan);
2. Where the commodity is exported from or imported to the Republic of China (Taiwan) for personal use by any member of a foreign embassy or consulate located in the Republic of China (Taiwan) or by any person who is entitled to diplomatic immunity;
3. Where the imported or exported commodities are personal-use products not for sale, commercial samples, products for exhibition, or articles for use in research and development or in testing activities;
4. Where the imported or domestically manufactured commodities are intended to be exported after further processing or assembly, or where the imported commodities are intended to be exported in their original forms;
5. Where the imported or domestically manufactured parts or components of commodities subject to inspection are required for processing or assembly for the finished product(s) and will be inspected in its entirety as a finished product(s) in accordance with the same inspection standards applicable to such finished product(s);
6. Where the imported or domestically manufactured commodities are intended for military use with official documentation issued by the various authorities under the direct supervision of the Ministry of National Defense; or
7. Where the imported or domestically manufactured commodities are intended for emergency humanitarian relief with official documentation from relevant government agencies.

Regulations governing the inspection exemption application requirements, approvals and refusals, labeling of usages, write-offs, extensions, usage alterations, verifications, and other compliance matters relevant to this Article shall be prescribed by the competent authority.

Article 10

Inspection items and inspection standards for commodities shall be made known to the public per public notice by the BMSI.

The commodity inspection standards referred to in the preceding Paragraph shall be determined and identified by the BMSI in accordance with the obligations required by international conventions, and in reference to national standards, international standards, and/or other applicable technical regulations, or shall be developed by the BSMI in the absence of such national standards, international standards, or other technical regulations.

In cases where specifications of an exported commodity are inconsistent with official inspection

standards, an inspection may be conducted in accordance with the standards agreed upon between the buyer and the seller thereof, with prior approval from the competent authority in charge of trade. In cases where specifications of an imported or domestically manufactured commodity are inconsistent with the official inspection standards for special circumstances, prior approval by the BSMI is required.

Article 11

The obligatory inspection applicant shall clearly label the name of the commodity and the name/title and address of the obligatory inspection applicant on the commodity's body, package, label or instruction manual, in addition to the relevant labeling as required by the inspection standards.

Article 12

The obligatory inspection applicant shall place the commodity inspection mark on the commodity's body. However, if the body of the commodity is too small or for other specific reasons cannot accommodate the mark, the commodity inspection mark may be affixed to the commodity in accordance with other marking methods. Commodities that are designated or approved to be exempted from bearing the commodity inspection mark by the BSMI are excluded.

Regulations governing the design, identification number, labeling method, printing, pre-purchase, write-off, verification, cancellation, and use of the commodity inspection mark, and other compliance matters as required in the preceding Paragraph of this Article shall be prescribed by the competent authority.

Article 13

The BSMI may designate testing laboratories to conduct testing on commodities subject to inspection.

The competent authority shall prescribe regulations governing the following aspects of the designated testing laboratories mentioned in the preceding Paragraph:

- Qualification requirements;
- Conditions of designation;
- Application procedures and assessments;
- Terms of validity of the designation certificates;
- Issuance, renewal, revocation, and rescission of the designation certificates; and
- Other relevant administrative matters.

Article 14

To enhance the management of commodities or services in terms of quality, environmental protection, safety, or health, the BSMI may implement certification systems for relevant products or management systems.

The competent authority shall prescribe regulations governing the following aspects of the BSMI's handling of applications for product or management system certifications filed by manufacturers and firms under the preceding Paragraph:

- Conditions for filing the application;
- Application procedures;
- Terms of validity of the certification certificates;
- Issuance, renewal, revocation, and rescission of the certification certificates; and
- Other relevant matters.

Article 15

Subject to bilateral or multilateral mutual recognition agreements or conventions signed by the Republic of China (Taiwan) with other countries, regional organizations, or international organizations, the BSMI may accept test reports, inspection certificates, and/or other relevant certification documents issued in accordance with the provisions set out in such agreements or conventions.

Article 16

Commodity inspections conducted by the BSMI at the request of either or both parties to a sales transaction, in accordance with specifications agreed upon by the seller and the buyer, shall be regarded as contracted inspections. Regulations governing the following aspects of contracted inspections shall be prescribed by the competent authority:

- Scope;
- Application procedures;
- Inspection methods;
- Reviews of documents;
- Issuance and replacement of contracted inspection certificates; and
- Other relevant matters.

Article 17

To utilize inspection resources and provide technical services, the BSMI may accept requests from manufacturers or firms to provide product testing or other technical services through a commissioning arrangement. The competent authority shall prescribe regulations governing the following aspects of the commissioned services:

- Commissioning procedures;
- Testing;
- Retesting;
- Sample treatment; and
- Other compliance matters.

When a commissioned testing report of a commodity as outlined in the preceding Paragraph is used in labeling, advertising, or other promotional activities of the commodity, the following information from the testing report shall be clearly stated, and the wording of the labeled information shall not be misleading in a manner that would indicate that the BSMI has inspected and approved the commodity:

- Name of the commodity;
- Specifications and model;
- Testing items;
- Testing results;
- Method of sample provision; and
- Other relevant precautions.

Chapter II Batch-by-Batch Inspection

Article 18

For commodities subject to batch-by-batch inspection, the obligatory inspection applicant shall file an inspection application with the BSMI for each batch.

Commodities included in the same inspection application shall belong to the same category, type, or specifications, unless otherwise approved by the BSMI.

Article 19

For commodities subject to inspection and included in the list of commodities requiring an application for domestic sale inspection registration in advance, as designated and made known to the public by the BSMI per public notice, the obligatory inspection applicant may apply for commodity inspection only after completing the procedure of the prerequisite registration.

Article 20

The competent authority shall prescribe regulations governing the following matters:

- Batch-by-batch inspection application procedures;
- Issuance and replacement of inspection certificates;
- Domestic sale inspection registration; and
- Other relevant matters.

Article 21

Commodity inspection shall be conducted at one of the following locations:

- The BSMI;
- The port of export or import; or
- The premises of the commissioned government agency, juridical person, or organization.

However, with prior approval, the inspection may be conducted at the production site or storage location.

Article 22

Samples required for commodity inspection may be taken from the obligatory inspection applicant. The quantity of samples to be taken under the preceding Paragraph shall be determined by the BSMI in accordance with the inspection standards, the nature of the products, or the inspection requirements.

After completion of the inspection, the inspected samples, except for those consumed or damaged during the inspection process, shall be retrieved by the obligatory inspection applicant within a specified time limit. Samples not retrieved by the applicant within the specified time limit shall be considered abandoned and disposed of by the BSMI or the commissioned government agency, juridical person, or organization.

Article 23

After samples are taken in accordance with the preceding Article and prior to the issuance of an inspection certificate, the BSMI may seal the commodities subject to inspection and place them under the custody of the obligatory inspection applicant.

The applicant shall not, without legitimate reasons, evade, hinder, or refuse the implementation of the sealing procedure mentioned in the preceding Paragraph.

Article 24

An inspection certificate shall be issued when the commodity has passed the inspection.

Where the term of validity must be indicated in the inspection certificate, the BSMI shall determine and publicly announce the terms of validity applicable to various categories of commodities.

Article 25

Where an inspection certificate is lost or if the imported or exported commodity is split into several shipment batches, an application for a replacement or new inspection certificate may be filed. The validity period of the new or replacement inspection certificate shall be limited to the remaining

validity period of the original certificate.

Article 26

For commodities that fail inspection, the BSMI shall issue a notice of non-conformity. The obligatory inspection applicant may apply for a one-time re-inspection free of charge within fifteen days after receiving the notice.

The competent authority shall prescribe regulations governing the disposition of non-conforming commodities as mentioned in the preceding Paragraph.

Article 27

A new inspection application shall be filed for commodities that have passed initial inspections under any of the following circumstances:

1. The inspection certificate has expired;
2. The packaging of the commodity has changed or deteriorated to such an extent that it may affect the quality of the commodity;
3. The commodity has been damaged by water, fire, or shows significant signs of damage or destruction;
4. The labeling of the commodity is non-compliant or the commodity appears to be in disarray;
5. The commodity has undergone further processing; or
6. Any characteristics of the commodity that are subject to inspection have been altered.

Article 28

To enhance inspection efficiency, the BSMI may issue public notices requiring specific commodities to obtain a type approval certificate before filing an inspection application. For such commodities, the BSMI may simplify the inspection procedures when an inspection application is filed.

Under any of the following circumstances, a commodity may be exempted from type approval, and an inspection application may be filed directly. A certificate shall be issued after verifying that the submitted documents comply with the requirements and upon receiving a letter of undertaking from the applicant to complete the case closure procedures within a specified period:

1. The commodity is intended for testing purposes;
2. The commodity is re-imported after being repaired abroad; or
3. The commodity is needed for emergency repairs.

The competent authority shall prescribe regulations governing the requirements and procedures for filing type approval applications, the validity period, issuance, revocation, and rescission of type approval certificates (new or replacement), documentation verification for direct inspection applications, the procedure for submitting letters of undertaking, the procedure and manner for case closures, the issuance, revocation, and rescission of certificates (new or replacement), and other compliance matters as required in the preceding two Paragraphs.

Chapter III Monitoring Inspection

Article 29

For commodities subject to monitoring inspection, the obligatory inspection applicant shall apply to the BSMI for monitoring inspection and obtain an inspection certificate. However, this requirement does not apply to commodities subject to random inspection as specified by public notice.

Where a validity period is required for the inspection certificate mentioned in the preceding Paragraph, the BSMI shall determine and publicly announce the applicable validity periods for

different categories of commodities.

Article 30

For commodities subject to monitoring inspection, the inspection may be conducted through batch-by-batch verification, random batch inspection, document review, or a specific monitoring program, depending on the characteristics of the commodities or if a specified number of consecutive batches have been found to comply with the requirements through batch-by-batch inspection.

Article 31

A commodity subject to monitoring inspection may be exported or imported only when the management and inspection systems of its production premises have been examined and found to comply with the specified requirements.

If the production premises mentioned in the preceding Paragraph are located abroad, a letter of recommendation issued by the competent authority or an inspection organization recognized by the BSMI, both located in the same country as the premises, shall be required. Additionally, the BSMI may send representatives to conduct on-site verification at such premises.

The competent authority shall prescribe regulations governing the qualification requirements for the production premises mentioned in the preceding two Paragraphs, the application procedures for examinations of production premises, and other relevant administrative matters.

Article 32

Regulations governing the registration, procedures for filing monitoring inspection applications, implementation methods, issuance of certificates (new or replacement), and other compliance matters shall be prescribed by the competent authority.

Article 33

For commodities subject to monitoring inspection, as designated and publicly announced by the BSMI, if the management and inspection systems of its production premises comply with the requirements established by the BSMI and have been examined and approved, the manufacturer of such commodities may perform its own inspection in accordance with this Act and issue monitoring inspection certificates with counter-signatures. The manufacturer shall periodically submit certificate issuance records to the BSMI for review. However, for production premises located outside the territory of the Republic of China (Taiwan), the obligatory inspection applicant shall submit the inspection records of the production premises to the BSMI for review and approval before the certificates can be issued.

Regulations governing the requirements for production premises, application procedures for approval, suspension, revocation, rescission, and other compliance matters as relevant to the preceding Paragraph shall be prescribed by the competent authority.

Article 34

The provisions set out in Article 18, Article 19, and Articles 21 through 27 of this Act shall apply *mutatis mutandis* to the monitoring inspection procedures.

Chapter IV Registration of Product Certification

Article 35

Commodities subject to registration of product certification shall comply with the conformity assessment procedures prescribed under Article 37 of this Act.

The conformity assessment procedures shall include requirements for both the design and manufacturing stages of the commodities.

The BSMI shall publicly announce the conformity assessment modules or combinations thereof applicable for various categories of commodities.

Article 36

In applying for registration of product certification, the applicant shall submit an application form to the BSMI and attach relevant information and technical documents as required by the designated conformity assessment procedures.

Where the relevant information and technical documents required in the preceding Paragraph are written in a language other than Chinese, the BSMI may require the applicant to provide Chinese translations thereof.

Article 37

Regulations governing the qualification requirements and procedures for filing an application for registration of product certification, the conformity assessment modules, the issuance (including renewal) of the product registration certificate under Article 39 of this Act, and other relevant administrative matters shall be prescribed by the competent authority.

Article 38

The registration of product certification shall be based on the type or model of the commodity. Commodities with the same basic design may be classified as a series of the same type.

Article 39

Where an application for registration of product certification has passed the examination, the registration shall be approved, and a registration of product certification certificate shall be issued accordingly.

The term of validity of a registration of product certification certificate may vary depending on the category of the commodity and shall be determined and publicly announced by the BSMI.

In the process of examining an application filed under Paragraph One of this Article, the BSMI may, when necessary, require the production premises to provide samples, such that the BSMI may conduct tests or witness testing on specific features of the commodity.

Article 40

A commodity that has been granted a registration of product certification certificate shall be used in accordance with the scope, type, or function specified in the certificate. The certificate shall not be used for commodities that are beyond the scope of the registration. If any changes have been made, the applicant shall file a new application for registration of product certification, apply for registration of product certification as a series of the same type, or apply for approval of the changes.

When the inspection standards for commodities that have been granted registration are revised, the BSMI may, for purposes of safety, health, environmental protection, efficiency of resource utilization, or other public interests, notify the certificate holder to apply for a replacement certificate in accordance with the revised inspection standards within a specified time limit.

Article 41

If the registration of product certification was obtained through fraudulent means, the registration shall be revoked, and the certificate shall be returned within a specified time limit.

Article 42

Under any of the following circumstances, the registration of product certification shall be rescinded:

1. The purchased or sampled commodities fail to conform to the inspection standards;
2. The commodity is not labeled in the manner required by Articles 11 or 12 of this Act, and the required corrections have not been made within the specified time limit after receipt of notice;
3. The company of the registered product, without legitimate reason, has refused or failed to provide the registration of product certification certificate, technical documents, or samples within the specified time limit;
4. A defect in the registered product has caused significant harm to any person or endangered public safety;
5. The registration of product certification certificate is not used in compliance with Paragraph 1 of Article 40 of this Act, and required corrections have not been made within the specified time limit after receipt of notice;
6. The registered production premises fail to meet the conformity assessment procedures at the manufacturing stage;
7. The procedural (annual) fees due have not been paid within the specified time limit;
8. The announcement of a commodity subject to registration of product certification has been rescinded by a public notice; or
9. The registration of product certification certificate has not been replaced to conform to revised inspection standards within the specified time limit in accordance with Paragraph 2 of Article 40.

Chapter V Declaration of Conformity

Article 43

The obligatory inspection applicant shall prepare technical documents to ensure that the commodity conforms to the inspection standards and shall execute and issue a declaration of conformity based on such technical documents.

The BSMI shall publicly announce the requirements and essential elements to be included in the technical documents and the declaration of conformity for various categories of commodities. For commodities identified by the BSMI as having a high risk of hazard, the obligatory inspection applicant shall register with the BSMI in accordance with the relevant provisions before the declaration of conformity comes into effect.

Where the inspection standards for commodities subject to the declaration of conformity are revised, the BSMI may, for purposes of safety, health, environmental protection, efficiency of resource utilization, or other public interests, notify the obligatory inspection applicant by public notice to issue a new declaration of conformity based on the revised inspection standards within a specified time limit.

Article 44

The testing of commodities subject to the declaration of conformity shall be conducted by the BSMI or designated testing laboratories recognized by the BSMI.

If a commodity is assembled from modular parts and components that are subject to commodity inspection and have passed such inspection, the BSMI may exempt the assembled commodity from

the testing set forth in the preceding Paragraph.

Article 45

For commodities subject to the declaration of conformity, the manufacturer shall adopt control measures during the manufacturing process to ensure that the products conform to the specifications set forth in the technical documents. The quality of such products shall be consistent with that of the samples used in testing as described in the test reports attached to the technical documents.

Upon the issuance of a declaration of conformity, a commodity shall conform to the content of the declaration. If the commodity is altered, the obligatory inspection applicant shall execute and issue a new declaration to ensure the conformity of the commodity with the inspection standards.

Article 46

The obligatory inspection applicant shall retain the declaration of conformity and relevant technical documents for a period determined and announced by the BSMI based on the category of the commodity subject to inspection.

Article 47

Under any of the following circumstances, a declaration of conformity shall be deemed not to have been made:

1. Where no technical documents have been prepared in accordance with the provisions of Paragraph 1 of Article 43 of this Act, or no testing has been conducted by the BSMI or the designated testing laboratories recognized by the BSMI in accordance with the provisions of Article 44 of this Act; or
2. Where a declaration of conformity or technical documents are found to contain false or inaccurate information, or do not comply with the provisions announced in accordance with Paragraph 2 of Article 43 of this Act.

Article 48

A declaration of conformity made under this Act shall become null and void under any of the following circumstances:

1. The purchased or sampled commodities fail to comply with the inspection standards;
2. The commodity is not marked as required by Articles 11 and 12 of this Act, and the required corrections have not been made within the specified time limit after receiving notice;
3. The obligatory inspection applicant refuses or fails to provide the declaration of conformity, relevant technical documents, or samples without legitimate cause or within the specified time limit;
4. The commodity is not used in accordance with the contents of the declaration of conformity, and the required corrections have not been made within the specified time limit after receiving notice;
5. The commodity is announced to be no longer subject to inspection or the declaration of conformity inspection method is announced to be no longer applicable to the commodity;
6. The required corrections are not completed within the specified time limit after receiving notice of the revision of inspection standards in accordance with Paragraph 4 of Article 43 of this Act; or
7. Other serious violations of regulatory provisions occur.

Chapter VI Market Surveillance

Article 49

In order to ensure the conformity of commodities to the provisions of this Act, the BSMI may send

representatives to the following places to conduct reviews of the commodities subject to inspection:

1. Places of display and sale of commodities;
2. Production premises or storage places where the commodities subject to inspection are produced or stored; or
3. Places of business, workplaces, or other places where the commodities are installed or in use.

In order to conduct reviews as described in the preceding Paragraph, the BSMI may require the responsible person(s) of such place(s) to provide relevant information, and may further require the obligatory inspection applicant to submit relevant inspection certificate(s), technical documents, and samples within a specified time limit for use in conducting verification or testing.

Regulations governing parties subject to review, review methods and scope, the disposal of noncompliant commodities, and relevant matters set forth in the preceding two Paragraphs shall be prescribed by the competent authority.

Where incidents with commodities subject to inspection have caused damage to the life, body, health or property of consumers, or have damage concerns, the obligatory inspection applicant shall notify the BSMI. Regulations governing the time point, method, content of the notification, and other compliance matters shall be prescribed by the competent authority.

Article 50

The BSMI shall promptly proceed with an investigation if there is a suspected violation of the provisions of this Act discovered while performing inspections or other relevant activities under the preceding Article.

The investigation under the preceding Paragraph may be conducted using the following methods:

1. Inquiring the obligatory inspection applicant, the distributor(s) of the commodity at issue, or other relevant parties, and requiring them to provide relevant documents or information;
2. Dispatching personnel to the place(s) described in Paragraph 1 of Article 49 to conduct an investigation, taking samples of suspected nonconforming commodities, or requesting the obligatory inspection applicant or the distributor concerned to provide products of the same type or model as the commodity in question for further inspection; or
3. If necessary, sealing up the suspected noncompliant commodities and placing them under the custody of the representative set forth in Subparagraph 1, or requesting the representative set forth in Subparagraph 1 to store the suspect commodity at a designated location.

A record of the interview conducted during the investigation shall be made at the site of the investigation under the preceding Paragraph. The representative of the party being investigated, as set forth in Subparagraph 1 hereinabove, may be notified to make necessary statements while making such a record.

If the investigation conducted under Paragraph 1 of this Article is impeded and such impediment cannot be eliminated without the assistance of the police, the BSMI may request the police authority to provide appropriate assistance as the situation requires.

Article 51

Personnel appointed to execute the inspection, investigation, or testing in accordance with the preceding two Articles shall present their relevant credentials before carrying out their duties.

Parties subject to the inspection, investigation, testing, or sealing of the suspected commodity under the preceding two Articles shall not evade, impede, or refuse such procedures without justifiable reasons.

Article 52

The BSMI may select and engage volunteers, either on its own or as recommended by consumer protection organizations, to assist in reporting commodities that violate the law.

The regulations governing the selection and engagement of volunteers set forth in the preceding Paragraph, the procedures for reporting law-violating commodities, and other relevant administrative matters shall be prescribed by the competent authority in consultation with relevant government agencies.

Chapter VII Inspection Fees

Article 53

The competent authority shall charge appropriate fees for commodity inspections, examinations, assessments, registrations, and the issuance of certificates in accordance with this Act.

Where the inspection fees set forth in the preceding Paragraph are to be charged based on pre-established rates, the charging rate shall not exceed 0.3% (three-thousandths) of the market price of the inspected commodity. However, if the calculated amount of the chargeable inspection fee is less than the minimum fee amount, the minimum fee amount shall apply.

Article 54

An on-site inspection fee shall be charged when personnel are dispatched to a location outside the BSMI or any other government agency, legal entity, or organization commissioned by the BSMI to conduct inspection-related activities requested by an obligatory inspection applicant.

Article 55

The BSMI shall charge testing fees or service fees when conducting testing for materials or products or providing technical services requested by manufacturers or companies.

Article 56

The competent authority shall prescribe regulations governing the charging rates, amounts, minimum fee limits, and other relevant matters for the fees mentioned in the preceding three Articles, depending on the categories of commodities.

Article 57

The manufacturer, exporter, or importer of a commodity that fails inspection shall bear all subsequent costs related to warehousing, handling, transportation, sterilization, disposal, destruction, or improvement of the commodity, or other necessary measures.

Article 58

All fees and costs stipulated in this Act shall be paid to the BSMI, the designated state treasury, or other government agencies, legal entities, or organizations commissioned by the BSMI.

Chapter VIII Penal Provisions

Article 59

If the obligatory inspection applicant of a commodity subject to inspection violates the provisions governing the labeling of the commodity as set out in Article 11 or Article 12 of this Act, they shall be notified to correct the violation within a specified time limit. If the applicant fails to correct the violation within the specified time limit, they shall be fined an amount no less than New Taiwan Dollars (NTD) 100,000 but no more than NTD 1,000,000.

If the obligatory inspection applicant of a commodity subject to inspection makes false or incorrect labeling on such a commodity, they shall be fined an amount no less than NTD 150,000 but no more than NTD 1,500,000.

Article 60

The obligatory inspection applicant of a commodity subject to inspection shall be fined an amount no less than New Taiwan Dollars (NTD) 200,000 but no more than NTD 2,000,000 under any of the following circumstances:

1. Violating the provisions of Paragraph 1 or 2 of Article 6 by releasing from production premises, exporting, importing, or placing on the market any commodity that does not conform to the inspection requirements;
2. Violating Paragraph 1 of Article 7, which prohibits the release of any commodity from the storage place;
3. Violating Article 27 regarding a new application for inspection, Paragraph 1 of Article 40 regarding a new application for registration, or Paragraph 2 of Article 45 regarding a new declaration;
4. Acquiring an inspection certificate through fraudulent means;
5. Failing to apply for cancellation of original records within a specific period as required by Paragraph 2 of Article 28;
6. Failing to comply with the requirements set out in Subparagraph 1 of Article 47, or making false statements prohibited by Article 41 or Subparagraph 2 of Article 47.

If the commodity fails to pass the inspection under any of the circumstances set forth in the preceding Paragraph, the obligatory inspection applicant shall be fined an amount no less than NTD 250,000 but no more than NTD 2,500,000.

Article 60-1

If the obligatory inspection applicant of a commodity subject to inspection is subject to any of the penalty situations set forth in the preceding two Articles of this Act, and the total value of the commodities is less than New Taiwan Dollars (NTD) 100,000, they shall be fined an amount no more than twice the total price of the commodities, but no less than NTD 10,000.

The total value of the commodities set forth in the preceding Paragraph is calculated by multiplying the quantity of the violating commodities by the per-unit price of the commodity. The per-unit price of exported commodities will be the Free on Board (FOB) price, the Cost, Insurance, and Freight (CIF) price for imported commodities, and the ex-factory price without tax for domestically manufactured commodities.

Article 60-2

A seller who violates the provisions of Paragraph 4 of Article 6 of this Act and fails to complete corrections within the specified time after receiving a notice shall be fined an amount no less than New Taiwan Dollars (NTD) 10,000 but no more than NTD 100,000. The seller may be fined consecutively for each subsequent violation of the same nature.

Article 61

The obligatory inspection applicant of a commodity subject to inspection who violates the provisions of this Act and consequently causes damage to the life, body, or health of consumers, or whose product is likely to cause severe damage, shall be fined an amount no less than New Taiwan Dollars (NTD) 750,000 but no more than NTD 7,500,000.

Article 62

Any person who violates the provisions of Paragraph 2 of Article 7, Paragraph 2 of Article 23, or Paragraph 2 of Article 51 of this Act by evading, impeding, or rejecting the sealing, review, investigation, or inspection of commodities shall be fined an amount no less than New Taiwan Dollars (NTD) 150,000 but no more than NTD 1,500,000. The violator may also be subject to consecutive fines and compulsory execution of the sealing, review, investigation, or inspection of commodities.

Article 63

The obligatory inspection applicant who violates the notification provisions set out in Paragraph 4 of Article 49 of this Act shall be fined an amount no less than New Taiwan Dollars (NTD) 10,000 but no more than NTD 100,000.

Under any of the circumstances set forth in Paragraph 2 of Article 59, Article 60, or Article 61 of this Act, the obligatory inspection applicant may be notified to recall or correct the commodities within a specified time limit and may further be ordered to discontinue the export, import, production, manufacturing, display, or sale of the commodity at issue within a specified time limit. If the obligatory inspection applicant fails to recall or correct the commodities within the specified time limit as set forth in the preceding Paragraph, they shall be fined an amount no less than NTD 100,000 but no more than NTD 1,000,000 and may be fined consecutively for each successive violation of the same nature.

If the obligatory inspection applicant fails to discontinue the export, import, production, manufacturing, display, or sale of the commodity within the specified time limit as set forth in Paragraph 2 of this Article, they shall be fined an amount no less than NTD 250,000 but no more than NTD 2,500,000 and may be fined consecutively for each successive violation of the same nature.

Upon finding any violations as set forth in Paragraph 2 of this Article, the commodity at issue may be confiscated and destroyed or subjected to other necessary and appropriate measures.

Article 63-1

Where a commodity compliant with requirements at inspection is found to be non-compliant with the inspection requirements during market surveillance, the obligatory inspection applicant may be notified to recall or correct the commodity within a specified time limit.

The obligatory inspection applicant who violates the order set out in the preceding Paragraph shall be fined an amount no less than New Taiwan Dollars (NTD) 100,000 but no more than NTD 1,000,000.

Commodities that are not recalled or corrected within the specified time limit as set forth in Paragraph 1 of this Article may be confiscated and destroyed or subjected to other necessary and appropriate measures.

Article 63-2

Any person who violates the provisions set forth in Paragraph 2 of Article 17 of this Act and fails to correct violations within the specified time limit shall be fined an amount no less than New Taiwan Dollars (NTD) 20,000 but no more than NTD 200,000. The violator may be fined for each successive violation of the same nature until corrections have been made.

Article 64

(Deleted)

Article 64-1

The BSMI shall be responsible for imposing fines, ordering corrections within a specified time limit, recalling products, discontinuing import/export, production, manufacturing, display, or sale, confiscating or destroying products, and taking other necessary and appropriate measures as mentioned in this Chapter on Penalties.

Chapter IX Supplementary Provisions

Article 65

The enforcement rules of this Act shall be prescribed by the competent authority.

Article 66

This Act shall come into force from the date of promulgation.

Data Source : Ministry of Economic Affairs R.O.C.(Taiwan) Laws and Regulations Retrieving System